

# HOUSE BILL No. 2013

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-3-1-3.5; IC 6-3-2-19.

**Synopsis:** Income tax deduction for textbook fees. Provides a deduction from an individual's adjusted gross income for textbook rental fees at the elementary and secondary school levels and for required textbook purchases at the postsecondary level. Provides certain limits on the allowable deduction for required textbook purchases at the postsecondary level.

**Effective:** January 1, 2000.

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January 27, 1999, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 2013

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A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 6-3-1-3.5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3.5. When used  
3 in IC 6-3, the term "adjusted gross income" shall mean the following:  
4 (a) In the case of all individuals, "adjusted gross income" (as  
5 defined in Section 62 of the Internal Revenue Code), modified as  
6 follows:  
7 (1) Subtract income that is exempt from taxation under IC 6-3 by  
8 the Constitution and statutes of the United States.  
9 (2) Add an amount equal to any deduction or deductions allowed  
10 or allowable pursuant to Section 62 of the Internal Revenue Code  
11 for taxes based on or measured by income and levied at the state  
12 level by any state of the United States or for taxes on property  
13 levied by any subdivision of any state of the United States.  
14 (3) Subtract one thousand dollars (\$1,000), or in the case of a  
15 joint return filed by a husband and wife, subtract for each spouse  
16 one thousand dollars (\$1,000).  
17 (4) Subtract one thousand dollars (\$1,000) for:

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- 1 (A) each of the exemptions provided by Section 151(c) of the
- 2 Internal Revenue Code;
- 3 (B) each additional amount allowable under Section 63(f) of
- 4 the Internal Revenue Code; and
- 5 (C) the spouse of the taxpayer if a separate return is made by
- 6 the taxpayer, and if the spouse, for the calendar year in which
- 7 the taxable year of the taxpayer begins, has no gross income
- 8 and is not the dependent of another taxpayer.
- 9 (5) Subtract five hundred dollars (\$500) for each of the
- 10 exemptions allowed under Section 151(c)(1)(B) of the Internal
- 11 Revenue Code for taxable years beginning after December 31,
- 12 1996, and before January 1, 2001. This amount is in addition to
- 13 the amount subtracted under subdivision (4).
- 14 (6) Subtract an amount equal to the lesser of:
- 15 (A) that part of the individual's adjusted gross income (as
- 16 defined in Section 62 of the Internal Revenue Code) for that
- 17 taxable year that is subject to a tax that is imposed by a
- 18 political subdivision of another state and that is imposed on or
- 19 measured by income; or
- 20 (B) two thousand dollars (\$2,000).
- 21 (7) Add an amount equal to the total capital gain portion of a
- 22 lump sum distribution (as defined in Section 402(e)(4)(D) of the
- 23 Internal Revenue Code), if the lump sum distribution is received
- 24 by the individual during the taxable year and if the capital gain
- 25 portion of the distribution is taxed in the manner provided in
- 26 Section 402 of the Internal Revenue Code.
- 27 (8) Subtract any amounts included in federal adjusted gross
- 28 income under Internal Revenue Code Section 111 as a recovery
- 29 of items previously deducted as an itemized deduction from
- 30 adjusted gross income.
- 31 (9) Subtract any amounts included in federal adjusted gross
- 32 income under the Internal Revenue Code which amounts were
- 33 received by the individual as supplemental railroad retirement
- 34 annuities under 45 U.S.C. 231 and which are not deductible under
- 35 subdivision (1).
- 36 (10) Add an amount equal to the deduction allowed under Section
- 37 221 of the Internal Revenue Code for married couples filing joint
- 38 returns if the taxable year began before January 1, 1987.
- 39 (11) Add an amount equal to the interest excluded from federal
- 40 gross income by the individual for the taxable year under Section
- 41 128 of the Internal Revenue Code, if the taxable year began
- 42 before January 1, 1985.

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(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2, IC 12-10-6-3, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

**(15) In the case of an individual who is entitled to a deduction for textbook rental fees or required textbook purchases under IC 6-3-2-19, subtract the amount of the allowable deduction.**

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States or for taxes on property levied by any subdivision of any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(c) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) reduced by income that is exempt from taxation under IC 6-3 by the Constitution and statutes of the United States.

SECTION 2. IC 6-3-2-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: **Sec. 19. (a) As used in this section, "academic term" has the meaning set forth in IC 20-12-71-1.**



(b) As used in this section, "qualified institution" has the meaning set forth in IC 20-12-21.1-1(e).

(c) Each taxable year, an individual is entitled to an adjusted gross income deduction as described in IC 6-3-1-3.5(a)(15) equal to the amount paid by the individual during that taxable year:

(1) with regard to elementary and secondary education, for textbook rental fees paid by the individual for the individual's own benefit or for a dependent of the individual; and

(2) with regard to postsecondary education and subject to the limitation described in subsection (d), for the purchase of the required textbooks for courses:

(A) offered at a qualified institution; and

(B) in which the individual or a dependent of the individual is enrolled.

(d) With regard to the deduction described in subsection (c)(2) in any taxable year, the following limitations on the amount of the deduction described in this section apply:

(1) For the purchase of textbooks on behalf of a student enrolled in a qualified institution on a full-time basis, the individual who is eligible to receive the deduction may deduct the lesser of:

(A) the total purchase price of the required textbooks; or

(B) two hundred fifty dollars (\$250);

from the individual's adjusted gross income for each academic term in which the particular student is enrolled.

(2) For the purchase of textbooks on behalf of a student enrolled in a postsecondary institution on a part-time basis, the individual who is eligible to receive the deduction may deduct the lesser of:

(A) the total purchase price of the required textbooks; or

(B) one hundred fifty dollars (\$150);

from the individual's adjusted gross income for each academic term in which the particular student is enrolled.

SECTION 3. [EFFECTIVE JANUARY 1, 2000] IC 6-3-1-3.5, as amended by this act, and IC 6-3-2-19, as added by this act, apply only to taxable years that begin after December 31, 1999.

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